

## PROCEEDINGS AGAINST MIKE RUBINO FOR CONTEMPT OF THE SENATE

FEBRUARY 21 (legislative day, JANUARY 29), 1951.—Ordered to be printed

Mr. KEFAUVER, from the Special Committee To Investigate Organized Crime in Interstate Commerce, submitted the following

### REPORT

[To accompany S. Res. 84]

The Special Committee To Investigate Organized Crime in Interstate Commerce as created and authorized by the United States Senate by Senate Resolution 202, Eighty-first Congress, second session, caused to be issued a subpoena to Mike Rubino of Grosse Pointe, Mich. The said subpoena directed Mike Rubino to be and appear before the said committee forthwith, at room 900, Federal Home Loan Bank Building, 101 Indiana Avenue NW., Washington, D. C., then and there to testify touching matters of inquiry committed to said committee and not to depart without leave of said committee. The date of issuance of the subpoena was the 12th day of January 1951. Attendance pursuant to said subpoena was had on February 9, 1951, at Detroit, Mich., in room 734, Federal Building, at which time the witness appeared. The subpoena served upon said Mike Rubino is set forth as follows:

#### UNITED STATES OF AMERICA

#### CONGRESS OF THE UNITED STATES

To MIKE RUBINO, 1068 Bedford Road, Grosse Pointe, Mich., Greeting:

Pursuant to lawful authority, you are hereby commanded to appear before the Special Committee To Investigate Organized Crime in Interstate Commerce of the Senate of the United States, on forthwith, 1951, at their committee room 900, Federal Home Loan Bank Building, 101 Indiana Avenue NW., Washington, D. C., then and there to testify what you may know relative to the subject matters under consideration by said committee. And bring with you:

1. All ledgers, vouchers, canceled checks, check stubs, bank deposit slips, bank statements, financial statements, notes, copies of tax returns, records of accounts receivable and payable, and records of cash receipts and disbursements, for the period from January 1, 1940, to date;

2. All books, records, or other documents showing ownership of, or other holding or interest in, any business, company, or enterprise, or in any property, real, personal or intangible, for the period from January 1, 1940, to date;

3. All correspondence relating to the subject matter referred to in paragraph 2 hereof, for the period from January 1, 1940, to date.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To \_\_\_\_\_ to serve and return.

Given under my hand, by order of the committee, this 12th day of January, in the year of our Lord 1951.

ESTES KEFAUVER,  
*Chairman, Committee To Investigate  
Organized Crime in Interstate Commerce.*

The said subpoena was duly served as appears by the return made thereon by Kennedy Laurence, deputy superintendent, Detroit Police Department, who was duly authorized to serve the said subpoena. The return of the service by the said Kennedy Laurence, being endorsed thereon, is set forth as follows:

JANUARY 19, 1951.

I made service of the within subpoena by showing the original and serving the copy to the within-named Mike Rubino, at 1300 Beaubien Street, Detroit, Mich., at 3:55 p. m., on the 19th day of January 1951.

KENNEDY LAURENCE,  
*Deputy Superintendent, Detroit Police Department.*

The said Mike Rubino, pursuant to said subpoena and in compliance therewith, appeared before the said committee to give such testimony as required by virtue of Senate Resolution 202, Eighty-first Congress, second session. Mike Rubino having appeared as a witness and having been asked questions, which questions were pertinent to the subject matter under inquiry, made answers as appeared in the records of the hearing on February 9, 1951, at room 734, Federal Building, Detroit, Mich., which record is annexed hereto and made a part hereof and designated "Annex I."

As a result of said Mike Rubino's refusal to answer the questions pursuant to the said inquiry, as appears in the record annexed, consisting of pertinent excerpts from the testimony of that day, the committee was prevented from receiving testimony and evidence concerning the matter committed to said committee in accordance with the terms of said subpoena served upon this witness.

The committee was therefore deprived of answers to questions pursuant to the committee's inquiry propounded to Mike Rubino pertinent to the subject matter which under Senate Resolution 202, Eighty-first Congress, second session, the said committee was instructed to investigate, and the refusal of the witness to answer questions as set forth in annex I is a violation of the subpoena under which the witness was directed to appear and answer pertinent questions to the subject under inquiry, and his persistent and illegal refusal to answer the aforesaid questions deprived the committee of necessary and pertinent testimony and places this witness in contempt of the United States Senate.

The subcommittee hearing at which said witness refused to answer said questions was duly authorized by a resolution of the said committee, as set forth below:

SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED CRIME IN INTERSTATE COMMERCE

JANUARY 3, 1951.

*Resolved*, That the chairman of this committee be and hereby is authorized at his discretion to appoint one or more subcommittees of one or more Senators, of whom one member shall be a quorum for the purpose of taking testimony and all other committee acts, to hold hearings at such time and places as the chairman

might designate, in furtherance of the committee's investigation of organized crime, in the vicinities of the cities of Cleveland, Ohio, and Detroit, Mich.

In accordance with the resolution of January 3, 1951, the chairman by letter dated February 3, 1951, as set forth below, designated Senator Herbert R. O'Connor as a subcommittee of one to swear witnesses and to hear testimony at Detroit, Mich., beginning February 8, 1951.

FEBRUARY 3, 1951.

Hon. HERBERT R. O'CONNOR,  
*Senate Office Building, Washington, D. C.*

DEAR SENATOR O'CONNOR: In accordance with the authority granted me by the committee under the resolution attached, I hereby name you as chairman of the subcommittee of the Special Committee To Investigate Organized Crime in Interstate Commerce to conduct hearings in Detroit, Mich., beginning February 8, 1951.

Sincerely,

ESTES KEFAUVER, *Chairman.*

After reviewing the testimony and other facts as set forth herein, the committee adopted a resolution, as set forth below:

SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED CRIME IN INTERSTATE  
COMMERCE

MINUTES OF A COMMITTEE MEETING, FEBRUARY 17, 1951

The committee met at 10:30 a. m., in room 457, Senate Office Building. There were present the chairman and Senators Tobey, Hunt and O'Connor.

Senator O'Connor presented to the committee the minutes of the committee meeting of February 8 and 9, 1951, together with a resolution made on January 3, 1951. The chairman stated to the committee that the chairman had designated a subcommittee to hear continued testimony in connection with organized crime in the city of Detroit, Mich., pursuant to the resolution of January 3, 1951, the subcommittee consisting of Senator O'Connor.

The chairman of the subcommittee then presented to the committee the minutes of said subcommittee meeting of February 9, 1951, held in room 734, Federal Building, Detroit, Mich.

The chairman of the subcommittee stated to the committee that the witness, Mike Rubino, repeatedly, consistently, and arbitrarily had refused to answer questions put to him throughout counsel and chairman of the subcommittee's examination of said witness on February 9, 1951, and that his refusal therefore was improper and contemptuous.

The chairman of the subcommittee presented to the committee a draft report on the entire matter for the committee's consideration and the committee duly adopted the said report and instructed the chairman to present said report to the United States Senate.

Therefore, upon motion of Senator Hunt, duly seconded by Senator Tobey, it was duly resolved that the committee present to the United States attorney for the eastern district of Michigan to proceed against the said Mike Rubino in the manner and form provided by law.

ANNEX I

ORGANIZED CRIME IN INTERSTATE COMMERCE

UNITED STATES SENATE,  
SPECIAL COMMITTEE TO INVESTIGATE  
ORGANIZED CRIME IN INTERSTATE COMMERCE,  
*Detroit, Mich., Friday, February 9, 1951.*

The committee met, pursuant to adjournment, at 9:45 a. m., in room 734, Federal Building, Senator O'Connor (chairman) presiding.

Present: Senator Herbert R. O'Connor (chairman).

Also present: John L. Burling, Assistant counsel, and John McCormick, staff member.

The CHAIRMAN. Mike Rubino.

Do you solemnly swear the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RUBINO. I do.

#### TESTIMONY OF MIKE RUBINO

The CHAIRMAN. What is your full name?

Mr. RUBINO. Mike Rubino.

The CHAIRMAN. And your address?

Mr. RUBINO. 1068 Bedford.

The CHAIRMAN. How long have you lived at that address?

Mr. RUBINO. About 6 years.

The CHAIRMAN. How long have you lived in the city?

Mr. RUBINO. I was born here.

The CHAIRMAN. Counsel may proceed.

Mr. BURLING. What is your business, Mr. Rubino?

Mr. RUBINO. I refuse to answer.

Mr. BURLING. Do you have any grounds for refusing to answer?

Mr. RUBINO. It might incriminate me.

Mr. BURLING. Are you aware that the numbers racket is not a Federal offense?

Mr. RUBINO. I don't know what you are talking about.

Mr. BURLING. I am not talking whether you are in the numbers racket, but are you aware that being in the numbers racket is not a Federal offense?

Mr. RUBINO. I don't know what you are talking about.

Mr. BURLING. You never heard of the numbers racket?

Mr. RUBINO. I heard of it, yes.

The CHAIRMAN. You do not know anything about it?

Mr. RUBINO. No, sir.

Mr. BURLING. At any rate, you have a long criminal record, do you not?

Mr. RUBINO. Yes.

Mr. BURLING. In 1927, your offense is S. L. In 1930, assault with intent to kill. These are all alleged, and I do not mean to imply that you were convicted for each one of them. You didn't go to Leavenworth until 1933, when you got 7 years for counterfeiting.

In 1930, robbery, armed. In 1930, interference. In 1930, witness to a shooting. In 1931, disorderly person. In 1931, disorderly person. In 1933, investigation. In 1933, violation of United States Code. In 1933, counterfeiting. You were sent away for 7 years on that; were you not?

Mr. RUBINO. Yes.

Mr. BURLING. In 1933, violation of the United States Code. In 1933, public enemy. Were you arrested on the charge of being a public enemy?

Mr. RUBINO. It must be if it is there.

Mr. BURLING. There are several transfers that appear here and then we come to 1939, when you were investigated UDAA. In 1941, for narcotics. Were you ever arrested on a narcotics charge?

Mr. RUBINO. I don't remember.

Mr. BURLING. You don't remember?

Mr. RUBINO. No.

Mr. BURLING. How was it possible that you could be arrested for narcotic charges and not remember?

Mr. RUBINO. I wasn't arrested for narcotics.

Mr. BURLING. You were.

Mr. RUBINO. No, sir.

Mr. BURLING. If the police record says you were, then it is wrong?

"United States marshal, Detroit, Mich., Mike Rubino, No. 11842, January 14, 1941." I didn't see this. You went away for it; did you not?

Mr. RUBINO. Conspiracy but not narcotics.

Mr. BURLING. Conspiracy to violate the narcotic law?

Mr. RUBINO. I don't understand what you are talking about.

Mr. BURLING. You do know what narcotics are?

Mr. RUBINO. Yes.

Mr. BURLING. What were you charged with conspiring to do?

Mr. RUBINO. I don't remember that.

Mr. BURLING. It slipped your mind even though you went to prison?

Mr. RUBINO. I don't remember.

Mr. BURLING. Even though you went away on a sentence of 18 months in a Federal correctional institution, it has slipped your mind, has it?

Mr. RUBINO. I can't think that far back. I just can't remember.

Mr. BURLING. You cannot remember whether you went to jail?

Mr. RUBINO. I know that, yes.

Mr. BURLING. Then we come down to 1944, investigation of robbery armed, and in 1944, investigation of murder, and in this year, investigation of assault with intent to kill. Did you get those arrests?

Mr. RUBINO. Yes.

Mr. BURLING. Have you ever been in a legitimate business?

Mr. RUBINO. I refuse to answer.

Mr. BURLING. Have you ever earned an honest dollar in your life?

Mr. RUBINO. I refuse to answer.

Mr. BURLING. How does that incriminate you, Mr. Rubino, to testify whether you ever earned an honest dollar?

Mr. RUBINO. I refuse to answer.

Mr. BURLING. Mr. Chairman, I think that question is clearly proper and I ask that the witness be ordered to answer it.

The CHAIRMAN. Yes; the committee directs that you answer.

Mr. RUBINO. I refuse to.

The CHAIRMAN. All right. The next question.

Mr. BURLING. I have here some sheets which look to me like accounting sheets that have columns headed T, H, Col, Short, and X, and EXP. The number "72400" and the date "April 21." Then there is a tape, an adding machine tape. Did you ever see those before?

Mr. RUBINO. I refuse to answer.

Mr. BURLING. You refuse to answer?

Mr. RUBINO. I refuse to answer.

Mr. BURLING. Whether you saw them?

Mr. RUBINO. That's right.

Mr. BURLING. By the way, were you ever arrested for shooting a police officer?

Mr. RUBINO. No, sir.

Mr. BURLING. Had you ever been a fugitive from justice?

Mr. RUBINO. I refuse to answer that.

Mr. BURLING. Didn't you just disappear for about 2 years, at one time? What is your answer?

Mr. RUBINO. I refuse to answer.

Mr. BURLING. What is the Ajax Manufacturing Co.?

Mr. RUBINO. It is a manufacturing company.

Mr. BURLING. Manufacturing what?

Mr. RUBINO. They manufacture automotive parts.

Mr. BURLING. What kind of automotive parts?

Mr. RUBINO. Mirrors.

Mr. BURLING. Do you own it?

Mr. RUBINO. No, sir.

Mr. BURLING. Do you recognize this photograph of a house?

Mr. RUBINO. Yes.

Mr. BURLING. Whose house is that?

Mr. RUBINO. I rent that one.

Mr. BURLING. This indicates the economic status of this man who has a criminal record and I ask that the photograph be admitted in evidence.

The CHAIRMAN. It will be admitted and marked "Exhibit No. 20."

(The document identified was thereupon received in evidence as exhibit No. 20, Witness Rubino.)

Mr. BURLING. Who owns the house?

Mr. RUBINO. Mrs. Armelee.

Mr. BURLING. Will you spell it?

Mr. RUBINO. I don't know.

Mr. BURLING. Can you read and write?

Mr. RUBINO. No.

Mr. BURLING. Have you ever been in partnership with Pete Licavoli?

Mr. RUBINO. No, sir.

Mr. BURLING. You do know him?

Mr. RUBINO. Yes, sir.

Mr. BURLING. You never had any business dealings with him?

Mr. RUBINO. Never.

Mr. BURLING. Mr. Chairman, our memorandum on Mr. Rubino reads: "This man is one of the toughest hoodlums in this part of the country. Is suspected in several murders. Is trigger man for Licavoli combine in a number of murders."

Do you care to comment about that?

Mr. RUBINO. I don't know what you are talking about.

Mr. BURLING. You cannot understand that?

Mr. RUBINO. No, sir.

Mr. BURLING. Mr. Chairman, I would like to ask the witness once more if he can identify these documents which I will characterize as policy records, and then, since policy is not a Federal offense, I will ask that the Chair order the witness to answer.

Mr. Rubino, I show you a sheaf of papers dated April 21. Will you please examine them and state whether or not you know what they are?

Mr. RUBINO. I refuse to look at them. I refuse to answer.

Mr. BURLING. You refuse to look at them?

Mr. RUBINO. Yes.

Mr. BURLING. I will ask the Chair to direct the witness to answer.

The CHAIRMAN. The Chair directs you and you still refuse?

Mr. RUBINO. I refuse to answer.

Mr. BURLING. May these be marked in evidence?

The CHAIRMAN. The sheets will be admitted in evidence and marked, and the witness' refusal duly noted. The Chair will recommend to the full committee that a citation for contempt be issued against Mike Rubino.

(The document identified was thereupon received in evidence as exhibit 21, Witness Rubino.)

The CHAIRMAN. You are excused.

(Witness excused.)

## ANNEX II

The committee has received the following memorandum from its associate counsel, which sets forth the legal opinion of its staff with reference to the contempts committed by Mike Rubino.

FEBRUARY —, 1951.

Memorandum to Senator Estes Kefauver, chairman, re contempt of Mike Rubino (S. Res. 84).

I have examined the record of the testimony of Mike Rubino in addition to hearing it at the time it was given, and it is my opinion, which has previously been conveyed to the committee, that the refusal by Mike Rubino to answer questions was contemptuous of the United States Senate and its Special Committee To Investigate Organized Crime in Interstate Commerce.

As associate counsel of the committee, with the advice and concurrence of the committee's legal staff, I have advised the committee and now certify that the contempts complained of are, in my opinion, punishable as a matter of law. In those instances where the witness asserted a claim of privilege, it is my opinion that the claim was not made in good faith inasmuch as there was no reasonable relationship between the questions asked and a line of proof which might incriminate the witness under any Federal statute.

In certifying contempt proceedings, this committee and its counsel have carefully distinguished between refusals to answer based on an arbitrary or fanciful claim of privilege from refusals to answer questions where a claim of privilege might be raised with even a minimum possibility that the witness might be incriminated under any of the laws of the United States.

JOHN L. BURLING, Associate Counsel.